IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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(1) CIVIL WRIT No. 1573 of 2007

SMT.RASHIDA BANO
V/S
STATE & ORS.

(2) CIVIL WRIT No. 1574 of 2007

SHAMIM BANO
V/S
STATE & ORS.

(3) CIVIL WRIT No. 1575 of 2007

MASUM ALI
V/S
STATE & ORS.

(4) CIVIL WRIT No. 1576 of 2007

TAHIR ALI
V/S
STATE & ORS.

Mr. SUDHEER SHARMA, for the appellant / petitioner

Mr. MS GODARA for Mr. VK MATHUR, for the respondent

Date of Order : 23.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The acquisition proceedings are challenged on the ground that the objections filed by the petitioner under Section 5A had not been decided, and secondly that under the notification under Section 4, the SDO, Jodhpur had been

appointed as Collector, Land Acquisition, while the inquiry report has been submitted by the Land Acquisition Officer, RIICO Ltd., who could not be appointed as Collector in view of the fact, that the land was sought to be acquired for RIICO itself. Show cause notice was issued, and in response thereto, reply has been filed. However, dehors the reply also I have heard learned counsel for the petitioner, and find in all these writ petitions that the objection, which is said to have been filed, has been produced as Annex.4, but then in none of the matters, the objection has been filed by any of the petitioners therein, therefore, it cannot be said that the objection filed by the petitioner has not been decided. It is a different story that no date has been mentioned, either in Annex.4, or in the writ petition, as to when it was filed, nor is there anything to show that the objection was ever filed as claimed by the petitioner. In that view of the matter, unless it is established by the petitioner to the satisfaction of the Court that the objection as claimed was ever filed, the contention cannot be accepted.

So far as the appointment of Land Acquisition Officer, RIICO as Collector under the provisions of Land Acquisition Act is concerned, it is not the case of the petitioner that the Land Acquisition Officer was not so appointed vide order dated 15.2.2006. The only ground given in the writ petition is that he could not be so appointed.

However, learned counsel for the petitioner could not point out any authority of law to support the contention, about there being any prohibition against permissibility to appoint the Land Acquisition Officer, RIICO as Collector for the purpose of acquisition under Section 3-C of the Land Acquisition Act.

No other point has been argued.

Thus, all the four writ petitions do not involve any question of law, and also have no force either. The writ petitions are, therefore, dismissed summarily.

(N P GUPTA),J.

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